

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
ROBERT KINCADE, et al.,  
  
Defendants.

CASE NO. 2:15-cr-00071-JAD-GWF

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
ORDER**

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. On January 5, 2017, Kevin Stolworthy, Esq. was appointed as counsel of record for Mr. Kincade with respect to Count One only of the Third Superseding Indictment in this case. ECF No. 243.

2. Count One pertains to an alleged September 12, 2011 robbery of a City National Bank in Las Vegas, Nevada.

3. Mr. Kincade is currently being represented by Kathleen Bliss, Esq. on the remaining Counts contained in the Superseding Indictment.

4. Count One has been severed from the remaining Counts contained in the Third Superseding Indictment, and trial is currently scheduled for Count One only on August 8, 2017 at 9:00 a.m. ECF No. 256.

5. After Mr. Stolworthy was appointed, counsel reviewed the discovery produced, and posed several questions to the government pertaining to discovery.

6. Counsel for Kincade specifically inquired as to whether back-up documentation, such as worksheets and pictures, for the DNA reports produced in this case had been subpoenaed and produced.

7. Counsel for Kincade also inquired as to the existence of search and/or inventory

1 reports pertaining to the recovery of items tested for DNA.

2 8. The government has stated that it is in the process of subpoenaing records from the  
3 Las Vegas Metropolitan Police Department forensics lab pertaining to back-up documentation for the  
4 DNA reports.

5 9. Counsel are also working together to resolve outstanding discovery issues, including  
6 issues pertaining to whether there are existing search and/or inventory reports pertaining to the  
7 recovery of items tested for DNA.

8 10. Counsel for the government is currently preparing for a trial in another case.

9 11. In light of counsel for the government's trial schedule, as well as the fact that  
10 additional discovery is in the process of being obtained, the Parties agree that the pre-trial motion  
11 deadline should be continued for 60 days.

12 12. The additional time requested does not impact the trial setting.

13 13. Denial of this request for continuance would deny counsel for the Defendant sufficient  
14 time to effectively and thoroughly review discovery prior to the pre-trial motion deadline.

15 14. The Parties agree to the continuance.

16 15. The Defendant is incarcerated and does not object to the continuance.

17 16. The additional time requested herein is not sought for purposes of delay.

18  
19 **CONCLUSIONS OF LAW**

20 The additional time requested herein is not sought for purposes of delay.

21 **ORDER**

22 IT IS HEREBY ORDERED that the pre-trial motion deadline set for March 20, 2017 be  
23 continued for 60 days to May 19, 2017.

24  
25 DATED 17th day of March, 2017.

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28 UNITED STATES MAGISTRATE JUDGE